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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Administration of the )  
 North American Numbering Plan )  
 Carrier Identification Codes (CICs) )

CC Docket No. 92-237

**Request for Extension of Waiver**

Hardy Telecommunications, Inc. ("Hardy"), by counsel, hereby requests a brief extension of the waiver granted December 3, 1997 by the Common Carrier Bureau ("Bureau").<sup>1</sup> In its Order, the Bureau granted Hardy's request that it be permitted until April 30, 1998 to comply with the requirements to provide four digit Feature Group D Carrier Identification Codes ("CICs") functionality.<sup>2</sup> Unforeseen delays beyond Hardy's reasonable control have occurred with respect to the scheduled installation of its new switch. Accordingly, Hardy submits that the limited extension of its waiver, until June 30, 1998, is appropriate and is in the public interest. In support thereof, Hardy shows the following:

Hardy is an incumbent Local Exchange Carrier headquartered in Lost River, West Virginia, serving approximately 2600 access lines in rural areas of West Virginia, predominantly within Hardy County. As the Bureau is aware, Hardy entered into a purchase agreement with

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<sup>1/</sup> Petitions for Waiver of the Four-Digit Carrier Identification Code (CIC) Implementation Schedule, Order, NSD File Nos. 97-53; 97-56; 97-46; 97-51; 97-54; 97-55; 97-47; 97-48; 97-49; 97-50, released December 3, 1997 ("Order").

<sup>2/</sup> See In the Matter of Administration of the North American Numbering Plan Carrier Identification Codes (CICs), Petition for Rulemaking of VarTec Telecom, Inc., Second Report and Order, CC Docket No. 92-237, FCC 97-125, released April 11, 1997, pet. recon. pending.

Siemens Stromberg-Carlson ("Siemens") for a new EWSD switch which will enable Hardy to provide the four digit CIC function.<sup>3</sup> As a part of the procurement process, Siemens sent a site engineer to inspect Hardy's facilities in late November, 1997. Siemens's engineer discovered that the standard racks (which hold the switch components) would require modification or change to accommodate the physical space constraints of Hardy's central office. Immediately following this discovery, Hardy began consulting with Siemens regarding preparation of a modified purchase order to reflect the modification, and its resulting reduced contract price.<sup>4</sup> Siemens informed Hardy that the new racks were still being tested by the Rural Utilities Service ("RUS"), and that this testing had delayed the manufacture of the racks. In early December, 1997, Siemens informed Hardy orally that the racks would be available for purchase but was unable to confirm a price for the new racks. In mid-January, 1998, Siemens was able to confirm a purchase price for the new racks, thereby enabling Hardy to complete its modified purchase order, and submit the necessary documentation concerning the modification to RUS.<sup>5</sup>

Since the time that the need for the new racks was first identified by Siemens's site engineer in November, 1997, Hardy has maintained contact with Siemens in an effort to expedite the processing of the contract modification in order to have the switch in service on or before the date that Hardy's wavier expired, i.e., April 30, 1998. Over the past three months, Hardy has received numerous conflicting informal reports from Siemens staff with regard to the

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<sup>3/</sup> See Order at para. 6.

<sup>4/</sup> See Attached hereto is the declaration of Dwight Welch, General Manager of Hardy. The declaration bears a facsimile signature. The original declaration will be filed with the Commission upon receipt by counsel.

<sup>5/</sup> Hardy anticipates that RUS will approve the modified purchase order. Even in the absence of RUS approval, Hardy has made a firm business decision to acquire the new racks.

delivery date of the new switch and associated equipment. Based on the first firm estimates provided by Siemens in mid-January, however, Hardy has concluded that it will not be possible to meet the April 30, 1998 deadline.

Hardy now expects the new switch to be shipped by Siemens on March 13, 1998, with a planned installation date of May 15, 1998. Assuming these dates are met, Hardy anticipates that it can place the switch in operation by June 30, 1998, the date by which the existing transition period for the concurrent use of three digit CICs and four digit CICs will end.

Hardy submits that good cause exists for this limited extension of time until June 30, 1998. The circumstances requiring this brief extension were unforeseen and beyond Hardy's reasonable control. Enabling Hardy to continue its current course will enable it to deploy its new switch in the most economical fashion, which, in turn, will benefit its subscribers. It would be unduly burdensome, if not impossible, for Hardy to alter the process it began in early 1997 regarding its new switch. Moreover, it would be inequitable if Hardy's customers are required to bear the additional burden of uneconomic costs resulting from requiring an abrupt change in Hardy's plans. Any further brief delay in the provision of four digit CIC capability within the Hardy service area, therefore, is clearly of minor impact when compared to the costs to Hardy in changing its plans at this date.<sup>6</sup>

In light of these specific facts and circumstances, Hardy submits that good cause exists for this brief extension of its waiver until June 30, 1998 for conversion to four digit CIC capability. While Hardy will make every reasonable effort to expedite the date of completion

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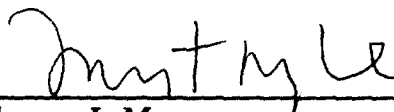
<sup>6/</sup> Hardy notes that similar conclusions were reached by the Bureau in granting waivers of the requirement to offer the four digit CIC function until June 30, 1998. See, e.g., Order at para. 21.

of conversion to four digit CICs, it anticipates that the extension to June 30, 1998, will enable it to ensure the deployment of the software necessary to provide four digit CIC function in its new switch in a reasonably efficient manner, while conserving the administrative resources of both the Bureau and Hardy.

Respectfully submitted,

**Hardy Telecommunications, Inc.**

By: \_\_\_\_\_



Thomas J. Moorman  
Margaret D. Nyland

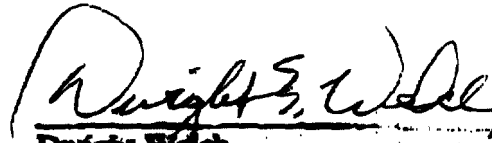
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Its Attorneys

February 23, 1998

**DECLARATION OF DWIGHT WELCH**

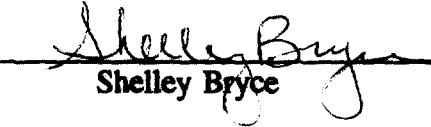
I, Dwight Welch, General Manager of Hardy Telecommunications, Inc., do hereby declare under penalties of perjury that I have read the foregoing "Request for Extension of Waiver" and the information contained therein is true and accurate to the best of my knowledge, information, and belief.

  
Dwight Welch  
General Manager

Date: February 23, 1998

## **CERTIFICATE OF SERVICE**

I, Shelley Bryce, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC, 20037, hereby certify that on this 23rd day of February, 1998, a copy of the attached "Request for Extension of Waiver" was hand delivered to the parties listed below:

  
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